REMARKS

Upon entry of the present amendment, claim 33 will have been amended. In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action of August 12, 2003.

Initially, Applicant wishes to note with appreciation the Examiner's consideration of the references cited in the Information Disclosure Statement filed on April 30, 2003 by return of the initialed and signed PTO-1449 Form.

Turning to the action on the merits, the Examiner objected to claim 33 because of an informality. By the present Response, Applicant has amended claim 33 in order to eliminate the noted informality (without narrowing the scope of the claim) and respectfully thanks the Examiner for bringing this matter to Applicant's attention.

In the outstanding Official Action, the Examiner rejected claims 20-30, 32-43 and 45-52 (all the claims pending in the present application), under 35 U.S.C. § 103 as being unpatentable over MOCHIZUKI (U.S. Patent No. 6,101,526) in view of SATO et al. (U.S. Patent No. 6,230,189). The Examiner asserted that while MOCHIZUKI discloses a number of features recited in the claims, the Examiner admitted that MOCHIZUKI does not teach the receiver receiving e-mail data via the network. Rather, the Examiner relied upon SATO et al. for this teaching.

Applicant respectfully traverses the above rejection and submits that it is inappropriate. In particular, Applicant notes that the SATO et al. document cited by the Examiner was patented on May 8, 2001 and was filed in the United States on December 9, 1998.

However, the present application was filed in the United States on May 20, 1999 and claims the priority of Japanese Patent Application No. JP10-274920 filed on September 29, 1998. Accordingly, the effective filing date to which the present application is entitled (September 29, 1998) is before the filing date of the SATO et al. reference relied upon by the Examiner. Accordingly, in accordance with the provisions of 35 U.S.C. § 102(e), the SATO et al. document is not an available reference for use against the present application.

In support of the above-noted claim for the effective filing date of the Japanese application, Applicant is attaching hereto a certified English language translation of the above-noted Japanese application. Moreover, Applicant respectfully submits that the attached English language translation of Applicant's foreign priority document fully supports the recitations of the claims in the present application. In this regard, the Examiner's attention is respectfully directed to, inter alia, Fig. 4 and the description associated therewith.

Accordingly, for this reason alone, the Examiner's rejection of all the claims is inappropriate and should be withdrawn. The Examiner has admitted that MOCHIZUKI does not contain a disclosure adequate or sufficient to render unpatentable the combination of

features recited in each of Applicant's claims. Accordingly, without the teachings of SATO et al., the claims in the present application are clearly patentable over the reference of record. An action to such effect is respectfully requested in due course.

Independently of the above, Applicant respectfully submits that there are numerous other shortcomings and deficiencies in the MOCHIZUKI reference that provide additional bases for the patentability of all the claims in the present application. In particular, and merely as an example, the generator asserted by the Examiner to be present in the MOCHIZUKI reference does not generate an HTML file as asserted by the Examiner. Thus, there are many additional reasons, independently of the above-noted unavailability of the SATO et al. reference for use against the claims of the present application, based on which the claims of the present application are clearly patentable over the prior art of record.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicant notes that the status of the present application is after final rejection and that an Applicant does not ordinarily have a right to amend an application once a final rejection has been issued. However, entry of the present amendment is in accordance with the provisions of 37 C.F.R. § 1.116 and is thus respectfully requested. In particular, the

cancellation of a term noted by the Examiner to constitute an informality does not raise any new issues requiring further consideration or search and certainly does not raise the issue of new matter. Additionally, the amendment clearly places the respective claims in condition for allowance and is thus appropriate for entry under the provisions of 37 C.F.R. § 1.116.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended a claim to eliminate a noted language informality.

Applicant has submitted a certified English language translation of Applicant's foreign priority document. Thus, Applicant has shown that a reference cited and applied by the Examiner is unavailable for use as a reference in the present application, thus providing a clear evidentiary basis for the patentability of all the claims in present application in view of the Examiner's indication that the remaining reference is inadequate to render the claims unpatentable.

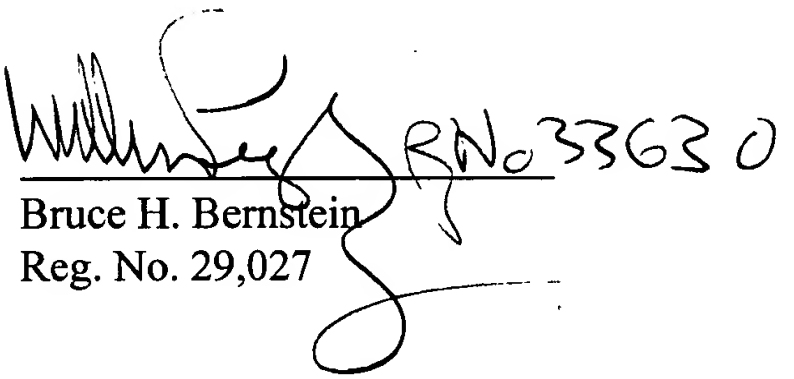
Applicant has further set forth additional reasons for the patentability of all the claims in the present application independently of the above-noted unavailability of the cited SATO et al. document as a reference in the present application. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection and rejection and an indication of the allowability of all the claims in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be

considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Junichi IIDA



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